FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.22 OF 2006

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

Mr. S.R. Nargolkar for the appellant.

Mr. R.G. Ketkar for the respondent.

CORAM: SMT. RANJANA DESAI &
D.B. BHOSALE, JJ.

DATED: 17TH FEBRUARY, 2006.

P.C.:-

1. In this letters patent appeal, order dated 29/9/2005 passed by the learned single judge in Writ Petition No.3632 of 2005 is under challenge. The learned single judge has concurred with the concurrent findings of the Labour Court and the Industrial Court.

2. We have heard Mr. Nargolkar, the learned counsel appearing for the appellant and Mr. Ketkar, the learned counsel appearing for the respondent.

3. Mr. Nargolkar submitted that the learned single judge has erred in observing that the appellant has not challenged the order dated 11/4/2001 passed by the Labour Court holding that the enquiry was fair and proper. He submitted that the appellant was denied his right to cross-examine; the enquiry officer has acted as a prosecutor and the documents were not properly exhibited. According to the learned counsel, the learned single judge has failed to appreciate these points.

4. We find no merit in the submissions of the learned counsel. Both the courts have held that enquiry papers show that sufficient opportunity was given to the appellant. No case is made out by the appellant to persuade us to differ from the

said finding. Besides, the appellant did not challenge Part-I Award by stating that proper opportunity was not given to him.

5. The appellant is found guilty of serious misconduct. He had caused financial loss to the department and made false report. In the circumstances, the view taken by the learned single judge cannot be faulted. Hence, the appeal is dismissed.

(SMT. RANJANA DESAI, J.)

(D.B. BHOSALE, J.)